



April 14, 2023

Ladies and Gentlemen,

The enclosed decision notice is for the East Fork Blacktail Deer Creek Low-Tech Restoration Project. The project will use a combination of post-assisted log structures (PALS) and beaver dam analogues (BDAs) within a straight and incised section of the East Fork of Blacktail Deer Creek to restore hydrologic connectivity to the floodplain.

Montana Fish, Wildlife & Parks (FWP) is required by the Montana Environmental Policy Act (MEPA) to assess significant potential impacts of a proposed action to the human and physical environment. In compliance with MEPA, an Environmental Assessment (EA) was completed for the proposed project by FWP and released for public comment on February 15, 2023.

Public comments on the proposed project were taken for 30 days (through March 16, 2023). The EA was mailed to 62 individuals and groups. Legal notice was printed in the Montana Standard (Butte) and Dillon Tribune newspapers. The draft EA was posted on the FWP webpage: <http://fwp.mt.gov/publicnotices/>. One written comment was received during the comment period.

Based on the EA and the public comments received, it is my decision to go forward with the proposed action. I find there to be no significant impacts on the human and physical environments associated with this project. Therefore, I conclude that the EA is the appropriate level of analysis, and that an Environmental Impact Statement is not required.

Questions regarding this Decision Notice should be mailed to:

Montana Fish, Wildlife & Parks  
East Fork Blacktail Deer Creek Low-Tech Restoration Project Attn: Dean Waltee  
Box 758, Sheridan, MT 59749  
Or e-mailed to: [dwaltee@mt.gov](mailto:dwaltee@mt.gov)

Sincerely,

Marina Yoshioka  
Region 3 Supervisor



# **Decision Notice**

## **East Fork Blacktail Deer Creek Low-Tech Restoration Project**

**April 14, 2023**



## Proposed Action

The proposed project is to use a combination of post-assisted log structures (PALS) and beaver dam analogues (BDAs) within a straight and incised section of the East Fork of Blacktail Deer Creek to restore hydrologic connectivity to the floodplain. Bank-attached and mid-channel PALS would be installed within the primary channel to induce bank scour and deposition and force channel meander. BDAs and PALS would be installed within side channels to increase water retention during high flows. BDAs and PALS would be made from natural woody debris collected from on-site and off-site locations. Installation would be completed using a combination of hand and machine methods. Appendix A provides a detailed description of proposed project plans.

The long-term goals of the project are to: 1) restore stream complexity and connection to a broader floodplain; 2) increase deciduous plant recruitment; 3) expand riparian floodplain and in-channel stream habitat available to fish and wildlife; 4) facilitate an ecological condition that beavers would naturally re-occupy and mediate into the distant future; and 5) increase groundwater storage within portions of the riparian floodplain that are currently disconnected from the stream. These results are expected to: enhance year-around habitat available to moose, elk, mule deer, white-tailed deer, and beavers; nesting habitat available to dozens of species of migratory birds; and improve the health of the trout fishery.

## Compliance with the Montana Environmental Policy Act

Before a proposed *project* may be approved, environmental review must be conducted to identify and consider potential impacts of the proposed project on the human and physical environment affected by the project. The Montana Environmental Policy Act (MEPA) and its implementing rules and regulations require different levels of environmental review, depending on the proposed project, significance of potential impacts, and the review timeline. § 75-1-201, Montana Code Annotated (“MCA”), and the Administrative Rules of Montana (“ARM”) 12.2.430, General Requirements of the Environmental Review Process.

FWP must prepare an EA when:

- It is considering a “state-proposed project,” which is defined in § 75-1-220(8)(a) as:
  - (i) a project, program, or activity initiated and directly undertaken by a state agency
  - (ii) ... a project or activity supported through a contract, grant, subsidy, loan, or other form of funding assistance from a state agency, either singly or in combination with one or more other state agencies; or
  - (iii) ... a project or activity authorized by a state agency acting in a land management capacity for a lease, easement, license, or other authorization to act.
- It is not clear without preparation of an EA whether the proposed project is a major one significantly affecting the quality of the human environment. ARM 12.2.430(3)(a))
- FWP has not otherwise implemented the interdisciplinary analysis and public review purposes listed in ARM 12.2.430(2) (a) and (d) through a similar planning and decision-making process (ARM 12.2.430(3)(b))

- Statutory requirements do not allow sufficient time for the FWP to prepare an EIS (ARM 12.2.430(3)(c))
- The project is not specifically excluded from MEPA review according to § 75-1-220(8)(b) or ARM 12.2.430(5) or
- As an alternative to preparing an EIS, prepare an EA whenever the project is one that might normally require an EIS, but effects which might otherwise be deemed significant appear to be mitigable below the level of significance through design, or enforceable controls or stipulations, or both imposed by the agency or other government agencies. For an EA to suffice in this instance, the agency must determine that all the impacts of the proposed project have been accurately identified, that they will be mitigated below the level of significance, and that no significant impact is likely to occur. The agency may not consider compensation for purposes of determining that impacts have been mitigated below the level of significance (ARM 12.2.430(4)).

MEPA is procedural; its intent is to ensure that impacts to the environment associated with a proposed project are fully considered and the public is informed of potential impacts resulting from the project.

### Summary of Public Comment

One public comment was received and was generally supportive of the proposed project.

"This sounds like a worthwhile project. Aside from a few discrepancies between the boxes checked for impacts, and the text descriptions of those impacts, I found nothing objectionable. I did find a need for either a glossary of the technical soil terminology, or descriptions that a lay person could understand. Hope the project turns out as planned. Would like to visit the WMA someday. Thank you for your efforts,"

**FWP Response:** FWP offered to visit with the commentor further, if desired, to clarify technical terminology or answer project questions.

### Decision

Based on the EA and public comment, it is my decision to proceed with the proposed action. To use a combination of post-assisted log structures (PALS) and beaver dam analogues (BDAs) within a straight and incised section of the East Fork of Blacktail Deer Creek to restore hydrologic connectivity to the floodplain.



Marina Yoshioka  
Region 3 Supervisor

